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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

S.B., a minor, as Successor in Interest
to DAVID LEE BROWN, deceased,
by and through his Guardian Ad
Litem, ANGELA CARUSO, and
M.B., a minor, individually, by and
through her Guardian Ad Litem,
ANGELA CARUSO,

Plaintiffs,

vs.

COUNTY OF SAN DIEGO, a
municipal entity, DEPUTY ADRIAN
MOSES, an individual, and DOES 1
through 10, inclusive,

Defendants.

CASE NO.: '14CV0072 JAH KSC

COMPLAINT FOR DAMAGES

- 1. Violations of Civil Rights (42 U.S.C. § 1983)**
- 2. Wrongful Death (Cal. Government Code §§ 815.2(a), 820(a); Cal. Civil Code § 43)**

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

1
2 1. Jurisdiction is vested in this court under 28 U.S.C. § 1343(3)-(4) for
3 violations of the 1871 Civil Rights Enforcement Act, as amended, including 42
4 U.S.C. § 1983 and 28 U.S.C. §§ 1331 and 1367(a).

5 2. Venue is proper in the Southern District of California under 28
6 U.S.C. § 1391(a)-(b).

PARTIES

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8 3. At all relevant times herein, Plaintiff S.B., a minor, was and is a
9 resident of Hernando County, State of Florida. Plaintiff S.B. is the surviving
10 biological son of decedent DAVID LEE BROWN. Plaintiff S.B. brings this action
11 by and through his mother and Guardian Ad Litem, ANGELA CARUSO.

12 4. Plaintiff S.B. is the Successor in Interest to decedent DAVID LEE
13 BROWN, and is entitled to bring certain causes of action herein alleged pursuant
14 to § 377.30 of the California Code of Civil Procedure. (Attached herein is a
15 declaration designating S.B. as the Successor in Interest to DAVID LEE BROWN,
16 and a true and correct copy of the death certificate for DAVID LEE BROWN,
17 furnished herewith pursuant to § 377.32 of the California Code of Civil
18 Procedure.)

19 5. At all relevant times herein, Plaintiff M.B., a minor, was and is a
20 resident of Hernando County, State of Florida. Plaintiff M.B. is the surviving
21 biological daughter of decedent DAVID LEE BROWN. Plaintiff M.B. brings this
22 action by and through her mother and Guardian Ad Litem, ANGELA CARUSO.

23 6. Defendant COUNTY OF SAN DIEGO (hereinafter "COUNTY") is,
24 and at all relevant times mentioned herein was, a municipal entity or political
25 subdivision of the United States, organized and existing under the laws of the
26 State of California.

27 7. Plaintiffs are informed and believe, and thereon allege, that
28 Defendant DEPUTY ADRIAN MOSES (hereinafter "DEPUTY MOSES") is, and
at all relevant times mentioned herein was, a resident of the County of San Diego
and State of California. Further, at all times relevant to the acts and omissions

1 herein alleged, DEPUTY MOSES was a deputy sheriff employed by the Defendant
2 COUNTY and the San Diego County Sheriff's Department, and was acting under
3 color of law and in the course and scope of his employment with the Defendant
4 COUNTY and the San Diego County Sheriff's Department.

5 8. Plaintiffs are unaware of the true names and capacities of those
6 Defendants named herein as DOE Defendants. Plaintiffs will amend this
7 Complaint to allege said Defendants' true names and capacities when that
8 information becomes known to them. Plaintiffs are informed, believe, and thereon
9 allege that these DOE Defendants are legally responsible and liable for the
10 incident, injuries, and damages hereinafter set forth, and that each of said
11 Defendants proximately caused the injuries and damages by reason of negligent,
12 careless, deliberately indifferent, intentional, willful, or wanton misconduct,
13 including the negligent, careless, deliberately indifferent, intentional, willful, or
14 wanton misconduct in creating and otherwise causing the incidents, conditions,
15 and circumstances hereinafter set forth, or by reason of direct or imputed
16 negligence or vicarious fault or breach of duty arising out of the matters herein
17 alleged. Plaintiffs will seek leave to amend this Complaint to set forth said true
18 names and identities of the unknown named DOE Defendants when they are
19 ascertained.

20 9. Each of the individual Defendants sued herein is sued both in his
21 individual and personal capacity, as well as in his official capacity.

22 10. Plaintiffs are informed, believe, and thereon allege that at all times
23 herein mentioned, each of the Defendants was the agent and/or employee and/or
24 co-conspirator of each of the remaining Defendants, and in doing the things
25 hereinafter alleged, was acting within the scope of such agency, employment,
26 and/or conspiracy and with the permission and consent of other co-Defendants.

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FACTS COMMON TO ALL COUNTS

11. This Complaint concerns a fatal deputy involved shooting which occurred during the evening hours of Saturday, August 24, 2013, at or around the 500 block of Charlotte Drive, in the City of San Marcos and County of San Diego. At approximately 5:45 p.m. on that date, Plaintiffs' decedent, DAVID LEE BROWN, was lawfully inside of his residence when Defendant DEPUTY MOSES, while acting under color of law and in the course and scope of his employment with the Defendant COUNTY and the San Diego County Sheriff's Department, violently confronted and unjustifiably detained DAVID LEE BROWN without having probable cause or reasonable suspicion to believe that DAVID LEE BROWN had committed any crime, or would commit a crime in the future.

12. Without warning, Defendant DEPUTY MOSES proceeded to assault and batter DAVID LEE BROWN by acts which included, but were not limited to, repeatedly and unjustifiably discharging his department issued firearm at the person of DAVID LEE BROWN, inflicting several gunshot wounds, which proved to be fatal. After surviving for an appreciable period of time, DAVID LEE BROWN died as a direct and proximate result of the gunshot wounds inflicted upon his person by DEPUTY MOSES.

13. At no time during the course of these events did DAVID LEE BROWN pose any reasonable or credible threat of violence to the involved deputies, nor did he do anything to justify the force used against him, and the same was deadly, excessive, unnecessary, and unlawful. Both prior to and during the time in which he was fatally shot, DAVID LEE BROWN posed no reasonable threat of violence to Defendant DEPUTY MOSES, nor to any other deputy or individual. Both prior to and during the time in which he was shot dead, DAVID LEE BROWN made no aggressive movements, no furtive gestures, and no physical movements which would suggest to a reasonable sheriff's deputy that he had the will, or the ability to inflict substantial bodily harm against any individual. Both prior to and during the time in which DEPUTY MOSES shot and killed

1 DAVID LEE BROWN, DEPUTY MOSES, who fired, was not faced with any
2 circumstances which would have led a reasonable sheriff's deputy to believe that
3 DAVID LEE BROWN posed the risk of death, or serious bodily injury to any
4 person.

5 **FOR THE FIRST CAUSE OF ACTION**

6 **(By Plaintiff S.B., a Minor, as Successor in Interest to DAVID LEE BROWN,**
7 **Deceased, by and through His Guardian Ad Litem, ANGELA CARUSO,**
8 **Against Defendant DEPUTY ADRIAN MOSES for Violations of Civil Rights**
9 **[42 U.S.C. § 1983])**

10 14. Plaintiffs restates and incorporates by reference the foregoing
11 paragraphs of this Complaint as if set forth in full at this point.

12 15. This cause of action is brought on behalf of decedent DAVID LEE
13 BROWN, by and through his Successor in Interest, Plaintiff S.B., who would, but
14 for his death, be entitled to bring this cause of action, and is set forth herein to
15 redress the deprivation, under color of statute, ordinance, regulation, policy,
16 custom, practice, and/or usage, of rights, privileges, and/or immunities secured to
17 DAVID LEE BROWN by the Fourth Amendment to the Constitution of the United
18 States, including, but not limited to, the right to be free from unreasonable
19 governmental seizures of his person.

20 16. Plaintiffs are informed and believe, and thereupon allege, that at all
21 times mentioned herein, the Defendant COUNTY employed Defendant DEPUTY
22 MOSES. The COUNTY provided DEPUTY MOSES with an official badge and
23 identification card which designated and described DEPUTY MOSES as an
24 employee of the COUNTY and the San Diego County Sheriff's Department.

25 17. Plaintiffs are informed and believe, and thereon allege, that at all
26 times relevant to the acts and omissions herein alleged, Defendant DEPUTY
27 MOSES was employed by the Defendant COUNTY and the San Diego County
28 Sheriff's Department, and was acting under color of law and in the course and
scope of his employment with the COUNTY and the San Diego County Sheriff's
Department.

1 18. At approximately 5:45 p.m. on Saturday, August 24, 2013, Plaintiffs'
2 decedent, DAVID LEE BROWN, was lawfully inside his residence located at or
3 around the 500 block of Charlotte Drive in the City of San Marcos and County of
4 San Diego when Defendant DEPUTY MOSES, while acting under color of law
5 and in the course and scope of his employment with the Defendant COUNTY and
6 the San Diego County Sheriff's Department, violently confronted and unjustifiably
7 detained DAVID LEE BROWN without having probable cause or reasonable
8 suspicion to believe that DAVID LEE BROWN had committed any crime, or
9 would commit a crime in the future.

10 19. Without warning, Defendant DEPUTY MOSES proceeded to assault
11 and batter DAVID LEE BROWN by acts which included, but were not limited to,
12 repeatedly and unjustifiably discharging his department issued firearm at the
13 person of DAVID LEE BROWN, inflicting several gunshot wounds, which proved
14 to be fatal. After surviving for an appreciable period of time, DAVID LEE
15 BROWN died as a direct and proximate result of the gunshot wounds inflicted
16 upon his person by DEPUTY MOSES.

17 20. At no time during the course of these events did DAVID LEE
18 BROWN pose any reasonable or credible threat of violence to the involved
19 deputies, nor did he do anything to justify the force used against him, and the same
20 was deadly, excessive, unnecessary, and unlawful. Both prior to and during the
21 time in which he was fatally shot, DAVID LEE BROWN posed no reasonable
22 threat of violence to Defendant DEPUTY MOSES, nor to any other deputy or
23 individual. Both prior to and during the time in which he was shot dead, DAVID
24 LEE BROWN made no aggressive movements, no furtive gestures, and no
25 physical movements which would suggest to a reasonable sheriff's deputy that he
26 had the will, or the ability to inflict substantial bodily harm against any individual.
27 Both prior to and during the time in which DEPUTY MOSES shot and killed
28 DAVID LEE BROWN, DEPUTY MOSES, who fired, was not faced with any
circumstances which would have led a reasonable sheriff's deputy to believe that
DAVID LEE BROWN posed the risk of death, or serious bodily injury to any

1 person.

2 21. At all times mentioned herein, Defendant DEPUTY MOSES acted
3 under color and pretense of law, and under color of the statutes, ordinances,
4 regulations, policies, practices, customs, and/or usages of the State of California
5 and the Defendant COUNTY. DEPUTY MOSES deprived Plaintiffs' decedent,
6 DAVID LEE BROWN, of the rights, privileges, and/or immunities secured to him
7 by the Fourth Amendment to the Constitution of the United States and the laws of
8 the United States, including, but not limited to, the right to be free from
9 unreasonable governmental seizures of his person.

10 22. Plaintiffs' decedent, DAVID LEE BROWN, had the right to be free
11 from unreasonable governmental seizures of his person, a right which was secured
12 to DAVID LEE BROWN by the provisions of the Fourth Amendment to the
13 United States Constitution, and by 42 U.S.C. § 1983. All of these interests were
14 implicated by the wrongful conduct of Defendant DEPUTY MOSES, which
15 proximately caused the death of DAVID LEE BROWN.

16 23. Plaintiffs are informed and believe, and thereupon allege, that in
17 unreasonably seizing the person of Plaintiffs' decedent, DAVID LEE BROWN, as
18 described in the foregoing paragraphs of this Complaint, Defendant DEPUTY
19 MOSES acted outside the scope of his jurisdiction and without authorization of
20 law, and acted willfully, maliciously, knowingly, with reckless disregard and
21 callous indifference to the known consequences of his acts and omissions, and
22 purposefully with the intent to deprive DAVID LEE BROWN of his federally
23 protected rights and privileges, and did in fact violate the aforementioned rights
24 and privileges, thereby warranting punitive and exemplary damages against
25 DEPUTY MOSES in an amount to be proven at the trial of this matter.

26 24. As a direct and proximate result of the wrongful, intentional, and
27 malicious acts and omission of Defendant DEPUTY MOSES, Plaintiffs' decedent,
28 DAVID LEE BROWN, suffered great mental and physical pain, suffering,
anguish, fright, nervousness, anxiety, grief, shock, humiliation, indignity,

1 embarrassment, and apprehension prior to his death, all to his damage in a sum to
2 be determined at trial.

3 25. Plaintiff S.B. is entitled to and hereby demands costs, attorneys' fees,
4 and expenses pursuant to 42 U.S.C. § 1988.

5 **FOR THE SECOND CAUSE OF ACTION**

6 **(By All Plaintiffs Against All Defendants for Wrongful Death [Cal.
7 Government Code §§ 815.2(a), 820(a); Cal. Civil Code § 43])**

8 26. Plaintiffs restate and incorporate by reference the foregoing
9 paragraphs of this Complaint as if set forth in full at this point.

10 27. All claims asserted herein against the Defendant COUNTY are
11 presented pursuant to the COUNTY's vicarious liability for acts and omissions of
12 municipal employees undertaken in the course and scope of their employment
13 pursuant to California Government Code §§ 815.2(a) and 820(a), as well as
14 California Civil Code § 43.

15 28. At approximately 5:45 p.m. on Saturday, August 24, 2013, Plaintiffs'
16 decedent, DAVID LEE BROWN, was lawfully inside his residence located at or
17 around the 500 block of Charlotte Drive in the City of San Marcos and County of
18 San Diego when Defendant DEPUTY MOSES, while acting under color of law
19 and in the course and scope of his employment with the Defendant COUNTY and
20 the San Diego County Sheriff's Department, violently confronted and unjustifiably
21 detained DAVID LEE BROWN without having probable cause or reasonable
22 suspicion to believe that DAVID LEE BROWN had committed any crime, or
23 would commit a crime in the future.

24 29. Without warning, Defendant DEPUTY MOSES proceeded to assault
25 and batter DAVID LEE BROWN by acts which included, but were not limited to,
26 repeatedly and unjustifiably discharging his department issued firearm at the
27 person of DAVID LEE BROWN, inflicting several gunshot wounds, which proved
28 to be fatal. After surviving for an appreciable period of time, DAVID LEE

1 BROWN died as a direct and proximate result of the gunshot wounds inflicted
2 upon his person by DEPUTY MOSES.

3 30. At no time during the course of these events did DAVID LEE
4 BROWN pose any reasonable or credible threat of violence to the involved
5 deputies, nor did he do anything to justify the force used against him, and the same
6 was deadly, excessive, unnecessary, and unlawful. Both prior to and during the
7 time in which he was fatally shot, DAVID LEE BROWN posed no reasonable
8 threat of violence to Defendant DEPUTY MOSES, nor to any other deputy or
9 individual. Both prior to and during the time in which he was shot dead, DAVID
10 LEE BROWN made no aggressive movements, no furtive gestures, and no
11 physical movements which would suggest to a reasonable sheriff's deputy that he
12 had the will, or the ability to inflict substantial bodily harm against any individual.
13 Both prior to and during the time in which DEPUTY MOSES shot and killed
14 DAVID LEE BROWN, DEPUTY MOSES, who fired, was not faced with any
15 circumstances which would have led a reasonable sheriff's deputy to believe that
16 DAVID LEE BROWN posed the risk of death, or serious bodily injury to any
17 person.

18 31. Plaintiffs are informed and believe, and thereupon allege, that on and
19 before August 24, 2013, Defendant DEPUTY MOSES had a duty to exercise the
20 reasonable and ordinary care which would be expected of similarly situated peace
21 officers in the use of deadly force, and had a duty to exercise the reasonable and
22 ordinary care which would be expected of similarly situated peace officers in the
23 execution of police tactics and police procedures in approaching and/or attempting
24 to detain emotionally and/or mentally unstable suspects. Notwithstanding each
25 of these duties, Defendant DEPUTY MOSES failed to exercise reasonable and
26 ordinary care in committing the acts alleged herein, by actions and inactions which
27 include, but are not limited to, negligently detaining Plaintiffs' decedent, DAVID
28 LEE BROWN, without having probable cause or reasonable suspicion to believe
that DAVID LEE BROWN had committed a crime, or would commit a crime in

1 the future, negligently failing to determine the fact that DAVID LEE BROWN
2 posed no threat of physical harm to any person when he was shot and killed,
3 negligently inflicting physical injury upon DAVID LEE BROWN, as described
4 herein, and negligently employing deadly force against DAVID LEE BROWN
5 when the same was unnecessary and unlawful. All of these negligent acts
6 proximately caused DAVID LEE BROWN'S death on August 24, 2013.

7 32. Plaintiffs are informed and believe, and thereupon allege, that on and
8 before August 24, 2013, individual employees of the Defendant COUNTY and the
9 San Diego County Sheriff's Department, including DOES 1 through 10, who were
10 responsible for hiring and supervising Defendant DEPUTY MOSES, while acting
11 within the course and scope of their employment with the Defendant COUNTY
12 and the San Diego County Sheriff's Department, negligently hired, trained,
13 supervised, employed, and/or managed DEPUTY MOSES, in that they knew, or in
14 the exercise of reasonable diligence should have known, that DEPUTY MOSES
15 was a dangerous and violent employee, prone to fire his firearm without
16 reasonable justification, and in a manner that would demonstrate callous disregard
17 for the rights and safety of civilian citizens, and to assault and batter persons
18 and/or use unnecessary, unreasonable, deadly, and/or unlawful physical force
19 without reasonable justification. All of these negligent acts proximately caused
20 DAVID LEE BROWN'S death on August 24, 2013.

21 33. Plaintiffs are further informed and believe, and thereupon allege, that
22 on and before August 24, 2013, individual employees of the Defendant COUNTY
23 and the San Diego County Sheriff's Department, including DOES 1 through 10,
24 who were responsible for hiring, training, and supervising San Diego County
25 Sheriff's Department deputies, including Defendant DEPUTY MOSES, while
26 acting within the course and scope of their employment with the Defendant
27 COUNTY and the San Diego County Sheriff's Department, failed to exercise
28 reasonable and ordinary care in the training and supervision of patrol deputies,
including DEPUTY MOSES, with regard to the reasonableness, safety, and

1 constitutionality of the use of deadly force against civilians; negligently failed to
2 properly train and supervise patrol deputies, including DEPUTY MOSES,
3 concerning the reasonableness, safety, and constitutionality of the use of deadly
4 force, and in the use of force as it relates to using excessive force; negligently
5 failed to properly train and supervise patrol deputies, including DEPUTY MOSES,
6 with respect to unjustifiably using deadly force against non-dangerous civilians;
7 inadequately trained and supervised patrol deputies, including DEPUTY MOSES,
8 with respect to the reasonable and proper use of deadly force; and inadequately
9 trained and supervised patrol deputies, including DEPUTY MOSES, with respect
10 to the reasonable and proper police procedures for the arrest and detention of
11 emotionally and/or mentally unstable suspects. Despite having the means and the
12 ability to properly train such deputies, and despite having notice and knowledge of
13 the need to properly train such deputies, individual employees of the Defendant
14 COUNTY and the San Diego County Sheriff's Department, including DOES
15 through 10, failed to do so. All of these negligent acts proximately caused DAVID
LEE BROWN'S death on August 24, 2013.

16 34. As a proximate result of all of the above-mentioned conduct of the
17 Defendants, and each of them, DAVID LEE BROWN was shot and killed on
18 August 24, 2013.

19 35. As a direct and proximate result of the death of decedent DAVID
20 LEE BROWN and the above-described conduct of the Defendants, and each of
21 them, DAVID LEE BROWN'S heirs, the Plaintiffs herein, have sustained
22 substantial economic damages and non-economic damages resulting from the loss
23 of the love, companionship, comfort, care, assistance, protection, affection,
24 society, moral support, training, guidance, services, earnings, and support of
DAVID LEE BROWN in an amount according to proof at trial.

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36. As a further proximate result of the above-described conduct of the Defendants, and each of them, and the ensuing death of DAVID LEE BROWN, Plaintiffs have incurred funeral and burial expenses in an amount according to proof at trial.

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. For burial and funeral related expenses according to proof at trial;
2. For general damages in an amount according to proof at trial;
3. For medical and related expenses according to proof at trial;
4. For costs of suit incurred herein;
5. For attorneys' fees incurred herein, as provided by law;
6. For punitive damages against the individual Defendants in their individual capacities in an amount according to proof at trial; and
7. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand that a jury be empaneled for the trial of this matter.

DATED: January 3, 2014

Respectfully submitted,

THE COCHRAN FIRM CALIFORNIA

By: s/ Brian T. Dunn
BRIAN T. DUNN
MEGAN R. GYONGYOS
Attorneys for Plaintiffs
Email: bdunn@cochranfirm.com
Email: mgyongyos@cochranfirm.com

CERTIFICATION OF VITAL RECORD

COUNTY OF SAN DIEGO

3052013161403

CERTIFICATE OF DEATH

3201337013985

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEASED - FIRST (Given)		3. LAST (Family)	
DAVID		BROWN	
2. MIDDLE		4. DATE OF BIRTH (month/day/year)	
LEE		1958	
5. AGE (Year)		6. FUNDING YEAR	
44		Mortis	
7. FUNDING YEAR		8. FUNDING YEAR	
Mortis		Mortis	
9. BIRTH STATE/FOREIGN COUNTRY		10. SOCIAL SECURITY NUMBER	
OHIO		9338	
11. EVER IN U.S. ARMED FORCES?		12. MARITAL STATUS (Date of death)	
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK <input type="checkbox"/>		DIVORCED	
13. DATE OF DEATH (month/day/year)		14. HUSBAND (Date of death)	
08/24/2013		1900	
15. DECEASED'S RACE - (Up to 3 races may be listed (see worksheet on back))		16. DECEASED'S RACE - (Up to 3 races may be listed (see worksheet on back))	
WHITE		WHITE	
17. USUAL OCCUPATION (Type of work, business, or profession. DO NOT USE RETIRED)		18. YEARS IN OCCUPATION	
NEVER WORKED			
19. DECEASED'S RESIDENCE (Street and number, or location)			
524 CHARLOTTE DR			
20. CITY		21. COUNTY OF RESIDENCE	
SAN MARCOS		SAN DIEGO	
22. ZIP CODE		23. YEARS IN COUNTRY	
92069		1	
24. STATE/FOREIGN COUNTRY		25. STATE/FOREIGN COUNTRY	
CA		CA	
26. INFORMANT'S NAME (Relationship)		27. INFORMANT'S MAILING ADDRESS (Street and number, or care number, city or town, state and zip)	
ROBERT BROWN, FATHER		875 GULLEY RD, HOWELL, MI 48843	
28. NAME OF SURVIVING SPOUSE (First, Middle, Last)		29. LAST (Family Name)	
ROBERT		DALE	
30. NAME OF FATHER (First, Middle, Last)		31. LAST (Family Name)	
DALE		BROWN	
32. NAME OF MOTHER (First, Middle, Last)		33. LAST (Family Name)	
ANNE		NICHOLS	
34. BIRTH DATE		35. BIRTH STATE	
OHIO		OHIO	
36. DISPOSITION (Date)		37. PLACE OF FINAL DISPOSITION	
08/30/2013		RESIDENCE OF ROBERT BROWN	
CR/IR/LE		875 GULLEY RD, HOWELL, MI 48843	
38. TYPE OF DISPOSITION		39. SIGNATURE OF EXAMINER	
CR/IR/LE		NOT EMBALMED	
40. NAME OF FUNERAL ESTABLISHMENT		41. LICENSE NUMBER	
BAYVIEW CREMATORY AND BURIAL SERVICES		FD1424	
42. SIGNATURE OF LOCAL REGISTRAR		43. DATE (month/day/year)	
WILMA WOOTEEN, MD		08/28/2013	
44. PLACE OF DEATH		45. IF HOSPITAL, SPECIFY ONE	
HOME		IF <input type="checkbox"/> HOME <input type="checkbox"/> HOSPITAL <input type="checkbox"/> OTHER <input type="checkbox"/>	
46. CITY		47. IF OTHER THAN HOSPITAL, SPECIFY ONE	
SAN DIEGO		IF <input type="checkbox"/> HOME <input type="checkbox"/> HOSPITAL <input type="checkbox"/> OTHER <input type="checkbox"/>	
48. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location)		49. CITY	
524 CHARLOTTE DRIVE		SAN MARCOS	
50. CAUSE OF DEATH		51. DEATH REPORTED TO CORONER	
IMMEDIATE CAUSE: MULTIPLE GUNSHOT WOUNDS		IF <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
52. UNDERLYING CAUSE OF DEATH		53. DEATH REPORTED TO CORONER	
NONE		IF <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
54. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH, BUT NOT RESULTING IN THE UNDERLYING CAUSE (Specify in 107)		55. EXTERNAL, RESIDENT IN LAST YEAR	
NONE		IF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	
56. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 110? (If yes, list type of operation and date)		57. EXTERNAL, RESIDENT IN LAST YEAR	
NO		IF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	
58. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)		59. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)	
BETHANN SCHABER		BETHANN SCHABER, MD, DME	
60. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)		61. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)	
BETHANN SCHABER		BETHANN SCHABER, MD, DME	
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BETHANN SCHABER		BETHANN SCHABER, MD, DME	
68. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)		69. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)	
BETHANN SCHABER		BETHANN SCHABER, MD, DME	
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BETHANN SCHABER		BETHANN SCHABER, MD, DME	
72. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)		73. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)	
BETHANN SCHABER		BETHANN SCHABER, MD, DME	
74. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)		75. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)	
BETHANN SCHABER		BETHANN SCHABER, MD, DME	
76. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)		77. SIGNATURE OF DECEASED'S NEXT OF KIN (If known, date, and place stated from the causes stated)	
BETHANN SCHABER		BETHANN SCHABER, MD, DME	
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A002662090

County of San Diego - Health & Human Services Agency - 3851 Rosecrans Street. This is to certify that, if bearing the OFFICIAL SEAL OF THE STATE OF CALIFORNIA, the OFFICIAL SEAL OF SAN DIEGO COUNTY AND THEIR DEPARTMENT OF HEALTH SERVICES EMBOSSED SEAL, this is a true copy of the ORIGINAL DOCUMENT FILED. Required fee paid.

DATE ISSUED: December 13, 2013

Wilma J. Wooten, M.D.
WILMA J. WOOTEEN, MD
REGISTRAR OF VITAL RECORDS
County of San Diego

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

DECLARATION OF ANGELA CARUSO

1
2
3 1. The decedent's name who is the subject of this action for civil rights violations and
4 wrongful death is DAVID LEE BROWN.

5 2. On August 24, 2013, DAVID LEE BROWN was killed in a deputy involved shooting
6 incident that occurred at or around the 500 block of Charlotte Drive, in the City of San Marcos,
7 County of San Diego, and State of California.

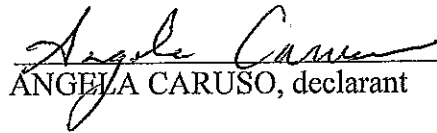
8
9 3. No proceeding is now pending in California for the administration of the decedent's
10 estate.

11 4. I am the mother of a minor child of the decedent, who is the decedent's successor in
12 interest (as defined in Section 377.11 of the California Code of Civil Procedure) with respect to the
13 decedent's interest in the within action.

14
15 5. No other person has a superior right to commence the action or proceeding or to be
16 substituted for the decedent in the pending action.

17
18
19 I declare under penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct.

21
22 DATED: 10-20-2013


ANGELA CARUSO, declarant